

**MINUTES OF THE
GOVERNMENT RECORDS ACCESS AND MANAGEMENT TASK FORCE**

Tuesday, October 18, 2005 – 1:30 p.m. – Room W125 House Building

Members Present:

Sen. David L. Thomas, Senate Chair
Rep. Douglas C. Aagard, House Chair
Sen. Fred J. Fife
Sen. Mark B. Madsen
Rep. Glenn A. Donnelson
Rep. Carl W. Duckworth
Rep. Craig A. Frank
Rep. Neil A. Hansen
Rep. Ann W. Hardy
Rep. Fred R. Hunsaker
Rep. Carol Spackman Moss

Members Absent:

Sen. Brent H. Goodfellow
Sen. Parley Hellewell
Rep. David L. Hogue

Staff Present:

Mr. Benjamin N. Christensen, Policy Analyst
Mr. Eric N. Weeks, Associate General Counsel
Ms. Phalin L. Flowers, Legislative Secretary

Note: A list of others present, copy of related materials, and an audio recording of the meeting can be found at www.le.utah.gov.

1. Task Force Business

Chair Aagard called the meeting to order at 1:42 p.m.

MOTION: Rep. Hansen moved to approve the minutes of the September 20, 2005 meeting. The motion passed unanimously with Rep. Donnelson and Rep. Frank absent for the vote.

2. Amendments to Government Records Access and Management Act (Draft Legislation)

Rep. Aagard distributed and discussed "GRAMA Task Force Index of Draft Legislation." He explained that there would be one more meeting and that he would like to take action on all legislation during this meeting and the next meeting.

Mr. Weeks distributed and discussed 2006 General Session draft legislation "Amendments to Government Records Access and Management Act" and "2006FL0102 Amendments to Government Records Access and Management Act - Amendment 1." He explained the draft legislation as it currently stands and the changes the amendment would make to draft legislation.

Sen. Madsen asked what the definition of a citizen of Utah is. Mr. Weeks replied that the bill does not define the term specifically, but that it would refer to a citizen of the United States who is a resident of Utah.

Rep. Hunsaker asked if there have been retention schedules in the past. Mr. Weeks replied that there have always been retention schedules. He explained that the Legislature and Judicial Branch set their own retention schedules and other government entities set their retention schedules by filing a request through the Records Committee that approves them. He explained that many entities did not know they were required to file retention schedules and that this legislation being proposed clarifies the issue. He explained

that the legislation will require entities to submit a retention schedule, and for those that don't, a model retention schedule will be used.

MOTION: Sen. Thomas moved to adopt "2006FL0102 Amendments to Government Records Access and Management Act - Amendment 1." The motion passed unanimously.

Mr. Weeks distributed and discussed "2006FL0102 Amendments to Government Records Access and Management Act - Amendment 2."

MOTION: Sen. Thomas moved to adopt "2006FL0102 Amendments to Government Records Access and Management Act - Amendment 2."

The motion passed unanimously.

Mr. Paul Newton, Backman Title Services, spoke against the provision which makes all social security numbers private records. He said that there is no way to differentiate between people with the same name without the use of their social security numbers.

Ms. Candace Daly, CDIA (Consumer Data Industry Association), distributed and discussed "Talking Points - Social Security Number Access" and "Amendment to: Amendments To Government Records Access and Management Act." She explained how social security numbers are used to accurately identify individuals in making credit decisions and as a tool to help prevent fraud.

Mr. Newton explained that bankruptcy courts only provide the last four digits of an individual's social security number.

Rep. Hunsaker asked for statistics on how many variables of a social security number would be needed for the verification of an individual to be accurate.

Mr. Gary Ott, Salt Lake County Recorder, explained that there is redacting software available, but it is very expensive. He said stopping the use of social security numbers for identifying individuals may stop a few identity thefts, but that it will hinder the public from carrying out personal business.

Mr. Ryan Mecham, Anderson Development, said that the term "legislative body" is rather broadly defined and could create some confusion down the road.

Mr. Timothy Shea, Senior Counsel, Administrative Office of the Courts, explained that it is nearly impossible to redact social security numbers once the information is in court files.

MOTION: Sen. Thomas moved to adopt 2006 General Session draft legislation "Amendments to Government Records Access and Management Act" as a task force bill, with the restoration of the original language of the statute on lines 264 and 265, regarding social security numbers, and the exclusion of amendment number 2.

Mr. Christensen explained that lines 20, 21, 42, and 237 through 311 would need to be removed as well. Sen. Thomas amended his motion to include the suggestions made by Mr. Christensen.

The motion passed unanimously.

3. Government Records Access and Management Act Records Committee and Appeals Process (Draft legislation)

Mr. Weeks distributed and discussed 2006 General Session draft legislation "GRAMA Appeals Process and Document Request Amendments."

Mr. Kevin Carter, Director of School and Institutional Trustlands Administration, distributed and discussed "2006FL0106 GRAMA Appeals Process and Document Request Amendments - Amendment 1." He explained that his agency is an independent state agency and receives no funds from tax revenues. He explained that other agencies that are similar to the School and Institutional Trustlands Administration are exempt from GRAMA. He said his agency was instructed to operate as a business would, and he feels that it is time for his agency to be exempt from GRAMA as well.

Rep. Hardy said she understands the need for the amendment, but said if one entity is exempt, others may come forward and say disclosure is detrimental for them as well.

MOTION: Rep. Moss moved to adopt "2006FL0106 GRAMA Appeals Process and Document Request Amendments - Amendment 1." The motion failed with Sen. Fife, Sen. Madsen, Rep. Duckworth, Rep. Hansen, and Rep. Moss voting in favor.

Mr. Mark Burns, Counsel, State Records Committee, explained that most of the rulings of the State Records Committee are not appealed. He said that because it conducts its deliberations publicly there should be no question about the reasons for its rulings.

Sen. Thomas said that this draft legislation would bring more cases to the Records Committee. He asked if the Committee would be willing to establish some precedent in that area of the law. Mr. Burns replied that the Committee was willing, and that the law already requires the Committee to include the reasons for its rulings.

Ms. Patricia Smith Mansfield, Director of Archives and Chair of the Records Committee, said that this legislation would increase the workload of the Records Committee, but that it is willing to take the extra cases.

Ms. Alison Hess, Society of Professional Journalists, spoke against the draft legislation. She explained that some individuals go straight to the Judiciary first for expediency. She explained that she didn't see a problem with that. She also asked if there was a process for determining if a GRAMA request was

harassment or if it was a legitimate request. Ms. Hess also said that social security numbers are vital when determining if a reporter has the correct individual they are reporting about.

Sen. Thomas explained that many judges have very little knowledge concerning GRAMA, and that it is best for experts in that area to look at appeals first.

Mr. Paul Thompson, attorney representing the City of Alta, spoke in support of the draft legislation.

4. Access and Fee Amendments to Government Records Access and Management Act (Draft Legislation)

Mr. Christensen distributed and discussed 2006 General Session draft legislation "Access and Fee Amendments to Government Records Access and Management Act."

Rep. Hardy asked that there be more clarification on who an agency can choose as a designee.

Mr. Paul Newton, Backman Title Services, said that they are occasionally asked to provide addresses to realtors for mass mailings.

Mr. Gary Ott, Salt Lake County Recorder, explained that the information listed in the draft legislation is used for appraisers to value property.

Ms. Katheryn Taylor, Office of Recovery Services, explained that she had concerns that the term "confidential" was not defined in the draft legislation.

Mr. Mark Burns, Counsel, Records Committee, explained how the Committee defines the term "confidential," stating that it refers to a record having a restricted classification such as private, controlled, or protected.

Mr. Gary Thorup, Holme Roberts & Owen, representing Explore Information Services, and Mr. Jeff Peterson, Explore Information Services, distributed and discussed "63-2-201. Right to inspect records and receive copies of records" and "63-2-301. Records that must be disclosed."

5. Additional Proposed Amendments to the Government Records Access Management Act

This item was not discussed.

6. Other Items / Adjourn

MOTION: Rep. Donnelson moved to adjourn the meeting. The motion passed unanimously.

Chair Aagard adjourned the meeting at 4:14 p.m.